

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of	:	Mail Stop Appeal Brief - Patents
Sherwood CREEDLE et al.	:	Group Art Unit: 3689
Application No.: 10/673,142	:	Examiner: Matthew S. Meyers
Filed: September 30, 2003	:	Confirmation No.: 3841

Title: ADMINISTERING A CONTACT OVER A DATA NETWORK

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Honorable Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the Notice of Appeal dated May 20, 2008, and further to the Notice of Non-Compliant Appeal Brief dated May 12, 2009, Applicants provide the following Summary of Subject Matter in the above-captioned application, referring separately to independent claims 1, 12, 28, 31 and 34, as well as to claims 15-17 and 35-37, and referring to the specification by page and line number and to the drawings, if any.

Applicants request that the attached Summary of the Subject Matter replace the Summary of the Subject Matter section included in the Appeal Brief, filed July 20, 2008.

5. Summary of the Claimed Subject Matter¹

In accordance with an embodiment, as recited in claim 1, a method for administering performance of a contract, using a server (Fig. 1, 52; p. 10, lines 13-24) accessible by multiple performing parties (Fig. 1, 102-105; p. 10, line 25 - p. 11, line 23) through a data network (Fig. 1, 50; p. 10, lines 6-8), includes receiving performance data (Fig. 10, s1014-s1018; p. 35, line 23 - p. 36, line 2; Fig. 8) at the server (Fig. 1, 52; p. 10, lines 13-24) from at least one of the performing parties (Fig. 1, 102-105; p. 10, line 25 - p. 11, line 23) through the data network (Fig. 1, 50; p. 10, lines 6-8), the performance data indicating an amount of work performed under the contract (Fig. 8, s820; p. 32, lines 21-28) by the at least one performing party (Fig. 1, 102-105; p. 10, line 25 - p. 11, line 23); automatically calculating a contract markup amount based on the performance data (Fig. 10, s1028-s1034; p. 36, line 17 - p. 37, line 5; p. 37, line 20 - p. 38, line 3; Fig. 11); and determining a payment amount based on the performance data and the contract markup amount (Fig. 10, s1034-s1036; p. 37, line 20 - p. 38, line 3; p. 42, line 25 - p. 43, line 11; Fig. 11). (Kindly refer to p. 39, lines 18-28; p. 41, lines 8-19; as well as claim 1, Figs. 9, 12A-12C, for further details.)

In accordance with another embodiment, as recited in claim 12, a method for administering performance of a project, using web server (Fig. 1, 52; p. 10, lines 13-24) accessible through a packet switched data network (Fig. 1, 50; p. 10, lines 6-8), includes creating a general contract schedule of values relating to the project (Fig. 2, s214; p. 20, lines 14-26; Fig. 4), the general contract schedule of values including general contract line items (Fig. 5; p. 21, lines 16-25); receiving at least one subcontract schedule of values (Fig. 2, s218; p. 25, lines 13-23) via the packet switched data network (Fig. 1, 50; p. 10, lines 6-8), the subcontract schedule of values including subcontract line items (p.

¹ In the description to follow, citations to various reference numerals, drawings, and corresponding text in the specification reference corresponding to the application as filed, and are provided solely to comply with Patent Office rules. It is emphasized that these reference numerals, drawings, and text are representative in nature, and not in any way limiting of the true scope of the claims. It would therefore be improper to import anything into any of the claims simply on the basis of illustrative language that is provided here only under the obligation to satisfy Patent Office rules for maintaining an Appeal.

25, line 24 – p. 26, line 14); receiving associations between the subcontract line items of each subcontract schedule of values and the general contract line items of the general contract schedule of values (Fig. 2, s222; Fig. 7; p. 25, line 24 – p. 28, line 8); receiving at least one subcontract application for payment (Fig. 8, s826; p. 34, lines 15-21) via the packet switched data network (Fig. 1, 50; p. 10, lines 6-8), the subcontract application for payment including the subcontract line items (p. 26, line 26 – p. 27, line 10); updating the general contract line items based on information in the associated subcontract line items received in the subcontract application for payment (Fig. 10, s1028-s1036; p. 36, line 17 – p. 37, line 5; p. 37, line 20 – p. 38, line 3; p. 42, line 25 – p. 43, line 11); and creating a general contract application for payment based on the updated contract line items (Fig. 10, s1036-s1040; p. 42, line 25 – p. 43, line 25; Fig. 11). The general contract application for payment automatically determines a total performed work amount and a payment amount due based on the total performed work amount (Fig. 10, s1034-s1036; p. 37, line 20 – p. 38, line 3; p. 42, line 25 – p. 43, line 25; Fig. 11). (Kindly refer to p. 21, line 16 - p. 23, line 7; as well as claim 12, Figs. 4, 6, 11 for further details.)

In accordance with another embodiment, as recited in claim 28, a system for enabling a contract payment process, includes a database (Fig. 1, 53; p. 10, lines 8-10; p. 19, lines 8-25) for storing data relating to users, the data including an account number corresponding to each user (p. 44, lines 18-22); and a computer (Fig. 1, 52; p. 10, lines 13-24) for receiving via a communications network (Fig. 1, 50; p. 10, lines 6-8) a payment request from at least one user of the users (Fig. 10, s1014-s1018; p. 35, line 23 – p. 36, line 2; Fig. 8, s826), the request for payment being based on performance of at least one portion of the contract by the user (Fig. 8, s820; p. 32, lines 21-28; Fig. 9). An electronic payment directed to the account number corresponding to the user is initiated in response to the payment request when the payment request is approved (p. 44, lines 8-22). (Kindly refer to p. 31, lines 21-28, p. 34, line 22 – p. 35, line 7; p. 44, lines 18-22; as well as claim 28, Figs. 8-10, for further details.)

In accordance with another embodiment, as recited in claim 31, a method for administering performance of a contract using a server (Fig. 1, 52; p. 10, lines 13-24) accessible by multiple performing parties through a data network (Fig. 1, 50; p. 10, lines

6-8), includes receiving performance data (Fig. 10, s1014-s1018; p. 35, line 23 – p. 36, line 2; Fig. 8) at the server (Fig. 1, 52; p. 10, lines 13-24) from at least one of the performing parties (Fig. 1, 102-105; p. 10, line 25 - p. 11, line 23) through the data network (Fig. 1, 50; p. 10, lines 6-8), the performance data indicating an amount of work performed under the contract by the at least one performing party (Fig. 8, s820; p. 32, lines 21-28); determining a payment amount based on the performance data (Fig. 10, s1034-s1036; p. 37, line 20 – p. 38, line 3; p. 42, line 25 – p. 43, line 11; Fig. 11); and sending the payment amount from the server (Fig. 1, 52; p. 10, lines 13-24) to another one of the performing parties (p. 44, lines 8-22) through the data network (Fig. 1, 50; p. 10, lines 6-8). (Kindly refer to p. 34, line 22 – p. 35, line 7; p. 39, lines 18-28; p. 41, lines 8-19; p. 44, lines 18-22; as well as claim 31, Figs. 9, 11, for further details.)

In accordance with another embodiment, as recited in claim 34, a computer readable medium (p. 46, lines 8-19) storing a computer program (p. 45, line 26 – p. 46, line 7) for administering performance of a contract, the computer program being executed by a computer accessible through a data network (Fig. 1, 50; p. 10, lines 6-8), includes a general schedule of values code segment for enabling creation of a general contract schedule of values relating to the project (Fig. 2, s214; p. 20, lines 14-26; Fig. 4), the general contract schedule of values including general contract line items (Fig. 5; p. 21, lines 16-25); a subcontract schedule of values code segment for receiving at least one subcontract schedule of values (Fig. 2, s218; p. 25, lines 13-23) via the data network (Fig. 1, 50; p. 10, lines 6-8), the subcontract schedule of values including subcontract line items (p. 25, line 24 – p. 26, line 14); an associating code segment for receiving associations between the subcontract line items of each subcontract schedule of values and the general contract line items of the general contract schedule of values (Fig. 2, s222; Fig. 7; p. 25, line 24 – p. 28, line 8); a subcontract payment application code segment for receiving at least one subcontract application for payment (Fig. 8, s826; p. 34, lines 15-21) via the packet switched data network (Fig. 1, 50; p. 10, lines 6-8), the subcontract application for payment including the subcontract line items (p. 26, line 26 – p. 27, line 10); an updating code segment for automatically updating the general contract line items based on information in the associated subcontract line items received in the

subcontract application for payment (Fig. 10, s1028-s1036; p. 36, line 17 – p. 37, line 5; p. 37, line 20 – p. 38, line 3; p. 42, line 25 – p. 43, line 11); and a general contract payment application code segment for creating a general contract application for payment based on the updated contract line items (Fig. 10, s1036-s1040; Fig. 11). The general contract application code segment automatically determines a total performed work amount and a payment amount due based on the total completed work amount (Fig. 10, s1036; p. 42, line 25 – p. 43, line 11; Fig. 11; p. 42, line 25 – p. 43, line 18). (Kindly refer to p. 21, line 16 - p. 23, line 7; as well as claim 34, Figs. 4, 6, 11 for further details.)

In accordance with other embodiments, as recited in claims 15 and 35, administering performance of a project further includes initially creating a project profile (FIG. 3, s310; p. 14, lines 3-12) and assigning roles to participants (FIG. 3, s312; p. 14, lines 13-18), including at least one subcontractor and at least one of an owner and an architect (p. 14, lines 18-25). In accordance with other embodiments, as recited in claims 16 and 36, assigning roles includes selecting at least one of the participants from a database (Fig. 1, 53; p. 10, lines 8-10; p. 19, lines 8-25) accessible by the web server or computer (Fig. 1, 52; p. 10, lines 13-24). In accordance with other embodiments, as recited in claims 17 and 37, assigning roles includes identifying a proxy to represent at least one of the participants (p. 14, line 28 – p. 16, line 2), where the subcontract schedule of values and the subcontract application for payment are received from the proxy (p. 16, lines 3-13; p. 26, lines 17-22).

Applicants request that the foregoing Summary of the Subject Matter replace the Summary of the Subject Matter section included in the Appeal Brief, filed July 20, 2008, and submit that the replacement Summary of the Subject Matter section properly contains a concise explanation of the subject matter defined in each of the independent claims involved in the Appeal.

Respectfully submitted on behalf of:
Hart Business Solutions

/VAN C. ERNEST/

by: Van C. Ernest (Reg. No. 44,099)

Date: June 5, 2009

Volentine & Whitt, PLLC
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, VA 20190
Tel. No. 571-283-0720
Fax No. 571-283-0740